

APR 30 2001

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of Section 73.622(b),) MM Docket No. 01-43J
Table of Allotments,) RM-10041
Digital Television Broadcast Stations.)
(Jackson, Mississippi))

To: The Chief, Video Services Division
Mass Media Bureau

REPLY COMMENTS IN OPPOSITION TO RULE MAKING

GENE A. BLAILOCK ("Blailock"), by his attorney, hereby respectfully submits his reply comments to the Federal Communications Commission in opposition to the Notice of Proposed Rule Making (the "NPRM") in the captioned proceeding, DA 01-388, adopted February 16, 2001 and released February 20, 2001. As his reply comments, Blailock respectfully states:

As stated in his opening comments herein, Blailock is the licensee of Station WBMS-LP operating on Channel 10 in Jackson, MS. On January 28, 2000, Blailock filed a Statement of Eligibility for Class A Low Power Television Station Status with the Commission on behalf of WBMS-LP, and the statement was accepted on the Commission's Public Notice, DA 00-1224, dated June 2, 2000, acknowledging that WBMS-LP is eligible to file an application for Class A station status in accordance with the Commission's procedures. Additionally, WBMS-LP has pending before the Commission an application in File No. BPTVL-20010116AFC to increase

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power; and it is currently operating under Special Temporary Authority at the power levels which it seeks in File No. BPTVL-20010116AFC to authorize on a permanent basis.

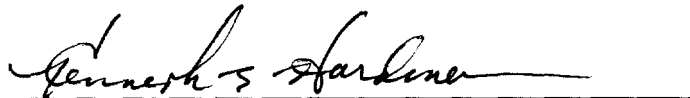
Blailock adheres to his opposition to the substitution of DTV Channel 9 in Jackson, for the reasons stated in his opening comments. Another dimension to the rule making has been added, however, as a result of a counterproposal filed by Vicksburg Channel 35 Associates, LLC (“Vicksburg”). Vicksburg proposes that DTV Channel 9 instead be allotted to Vicksburg, MS, in order to resolve interference to the DTV allotment of WCBI-TV, Columbus, MS, arising out of Vicksburg’s pending application for NTSC Channel 35. Vicksburg proposes an allotment specifying operation at 32-25-37 N. Lat. and 91-13-15 W. Long., using an omnidirectional antenna pattern with 3.2 kW ERP at 316 meters HAAT. Vicksburg represents that it will amend its pending application for NTSC Channel 35 to specify DTV Channel 9 in the event its counterproposal is adopted by the Commission.

The engineering statement appended to the counterproposal avers that the interfering contour of Channel D09 at Vicksburg “would clear, by substantial margins, the protected contours” of both WBMS-LP’s “licensed and applied-for facilities”. However, the supporting data included in the statement does not address protection to WBMS-LP.

Blailock notes initially that Vicksburg’s proposal for 3.2 kW does not represent a practical operating power, and Vicksburg’s counterproposal is silent as to the actual operating power it would ultimately request if its counterproposal is adopted. Blailock further notes that Channel D09 at Vicksburg would be a new DTV service and would not be entitled to service replication or maximization rights under the Community Broadcasters Protection Act, and that as a Class A eligible station, WBMS-LP is entitled to protection from such new DTV service.

Thus, in the event the Commission adopts Vicksburg's counterproposal herein, Blailock must insist that any increase in power thereafter sought by Vicksburg also avoid degradation of WBMS-LP's service area. That is, Blailock opposes any degradation of WBMS-LP's service area from Channel D09 in Vicksburg just as much as it opposes the NPRM's proposed degradation of WBMS-LP's service area from Channel D09 in Jackson. Therefore, in its evaluation of the record herein and its disposition of this rule making, the Commission likewise should consider the impact of future power increases by Vicksburg that are likely to be sought to bring Vicksburg's DTV station to a realistic operating power level.

Respectfully submitted,


Kenneth E. Hardman

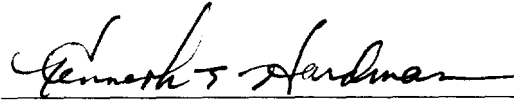
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April 30, 2001

Certificate of Service

I hereby certify that I have this 30th day of April, 2001, served the foregoing Reply Comments in Opposition to Rule Making upon counsel to petitioner and counsel to all other parties of record by mailing true copies thereof, first class postage prepaid, to John S. Logan, Esquire, Scott S. Patrick, Esquire, Dow Lohnes & Albertson, PLLC, 1200 New Hampshire Avenue, N.W., Suite 800, Washington, DC 20036-6802; Stephen C. Simpson, Esquire, 1090 Vermont Avenue, N.W., Suite 800, Washington, DC 20005; Jeffrey L. Timmons, Esquire, Jeffrey L. Timmons, P.C., 3235 Satellite Boulevard, Building 400, Suite 300, Atlanta, GA 30096-8688; and David B. Oxenford, Esquire, Lauren B. Flick, Esquire, Shaw Pittman, 2300 N Street, N.W., Washington, DC 20037.

A handwritten signature in cursive script, reading "Kenneth E. Hardman", written in black ink.

Kenneth E. Hardman